THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17599 of 2007

Dated:20.08.2007

Between:

Muthukuru Ananthaiah, S/o.Late Ananthaiah,
and others.

…Petitioners

and

The Government of Andhra Pradesh,
Rep.by its District Collector,
Kadapa, Kadapa District,
and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17599 of 2007

ORDER:

The petitioners are residents of Sivaramapalagiri Village, Hamlet of Saisettipalli of Sri Avadhutha Kasireddi Nayana Mandal in Kadapa District. They were assigned agricultural land in Survey Nos.231, 606 (various subdivision numbers) and 609/3 admeasuring Acs.2.00 to Acs.5.00. They took possession of the land and are cultivating the same. Some of them also alleged that they even mortgaged the land to the District Cooperative Central Bank, Kadapa, for taking agricultural loan. Nonetheless, the third respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and issued notice in Form-I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007, alleging that they transferred the land in contravention of Section 3(2) of the Act, and they were called upon to submit explanation. The notice was issued on 26.04.2007. The petitioners submitted explanation on 30.04.2007, and the matter is still pending before the third respondent. In spite of the same, the third respondent is trying to dispossess the petitioners, and therefore, they filed the present Writ Petition.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Writ Petition must be held to have been filed on a mere apprehension. In paragraph 9 of the affidavit accompanying the Writ Petition, *inter alia*, the petitioners allege as under.

> I submit that after receipt of notice dt.26.5.2007 myself and the other petitioners have submitted an explanation on 30.4.2007 bringing to his notice that the subject matter of lands are under our peaceful possession and enjoyment and we have not alienated the same. A translated copy of the same is filed herewith, marked as Ex.P10. The 3rd respondent herein having received the same has not passed any orders in pursuance of the

notice dt.26.4.2007. However, we reliably came to know that the 3rd respondent herein is trying to issue assignment pattas with regard to the subject matter of the lands in favour of the 4th respondent and his followers…

The above allegation is not sufficient to give rise to a cause of action to file the Writ Petition. When the petitioners submitted explanation to the show cause notice dated 26.04.2007, and the matter is allegedly pending before the Tahasildar, needless to observe that the petitioners cannot be dispossessed without passing any order.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

20.08.2007

Note: Issue C.C by 24.08.2007.

B/o.

vs